

Legal Overview
Auction No. 66
Advanced Wireless Service
(AWS-1)



Disclaimer

- This presentation about the first AWS spectrum auction is provided by the staff of the Wireless Telecommunications Bureau for informational purposes only.
- Nothing herein is intended to supersede any provision of the Commission's rules or public notices.
- Prospective applicants should not use this presentation as a substitute for their own review of the Commission's relevant orders, rules, and public notices.
- Prospective applicants must familiarize themselves thoroughly and remain current with the Commission's rules relating to the Advanced Wireless Service, rules relating to application and auction procedures, and the procedures, terms and conditions contained in the Auction No. 66 public notices.

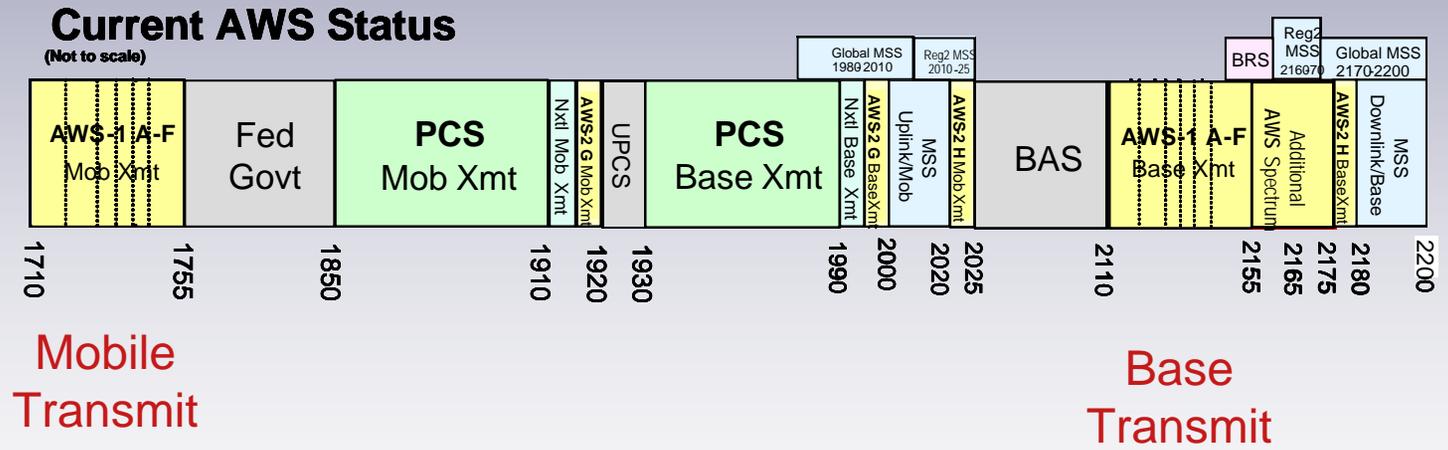


Topics

- Description of AWS-1 licenses
- Overview of auction process & bidding credits
- Incumbents & band clearance
- AWS technical rules
- AWS licensing & operating rules
- Due diligence
- Key reference sources



AWS-1 Spectrum



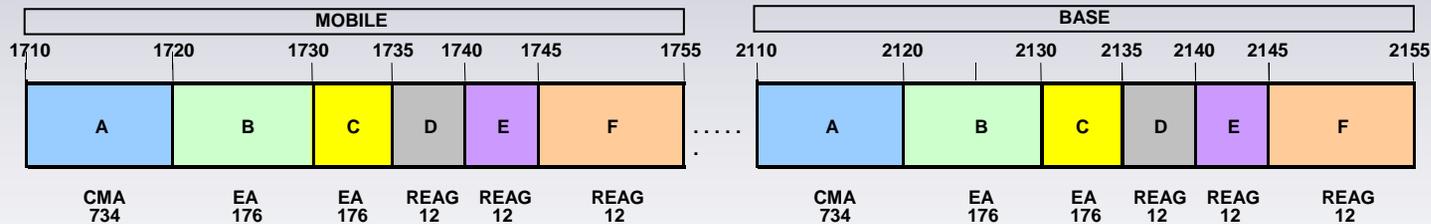
AWS-1 Licenses

<u>Blk</u>	<u>Pairings (MHz)</u>	<u>Amt</u>	<u>Area</u>	<u>Licenses</u>
• A	1710-1720 + 2110-2120	2x10	CMA	734
• B	1720-1730 + 2120-2130	2x10	EA	176
• C	1730-1735 + 2130-2135	2x5	EA	176
• D	1735-1740 + 2135-2140	2x5	REAG	12
• E	1740-1745 + 2140-2145	2x5	REAG	12
• F	1745-1755 + 2145-2155	2x10	REAG	12



AWS-1 Licenses

- Mobile band
 - 1710-1755 MHz
- Base band
 - 2110-2155 MHz



Pre-Auction Process Overview

- April 24 – Short-form filing window opens (Noon ET)
- May 10 – Short-form filing window closes (before 6:00 p.m. ET)
- June 1 – Upfront payment deadline (before 6:00 p.m. ET)
- June 26 – Mock auction
- June 29 – Auction No. 66 begins



Post-Auction Process Overview

- Bidding ends
- FCC releases auction closing notice
- 10 business days after auction closing notice – Long-form applications & down payments due
- 10 business days after down payments due – Final payments due



Bidding Credits

- Designated entity bidding credits
 - Available to small businesses & very small businesses
 - See section 1.2110 of Commission's rules
- Tribal lands bidding credits
 - See sections 1.2107(e) & 1.2110(f) of Commission's rules



Relocation & Protection of Incumbents

- Non-Government incumbents in 2110-2155 MHz band
 - See <http://wireless.fcc.gov/uls>
- Reimbursement by new AWS licensees
- Incumbents protected until relocated



Relocation & Protection of Incumbents

- Federal Government incumbents in 1710-1755 MHz band
 - See <http://www.ntia.doc.gov/osmhome/reports/specrelo/index.htm>
- Reimbursement through proceeds from Auction No. 66
- Incumbents protected until relocated



AWS Technical Rules & Protection Requirements

- Technical rules (Part 27, Subparts C & L)
 - Power & antenna height limits
 - Equipment authorization requirements
 - RF safety requirements
 - Emission limits
 - Signal strength limits
 - Protection requirements
 - International borders
 - Radioastronomy Quiet Zones



AWS Technical Rules & Protection Requirements

- Government incumbents must be protected
- Non-Government incumbents must be protected
- Incumbents not required to protect new AWS services



AWS Licensing & Operating Rules

- Part 27, Subparts A, B & L
- Flexible use
- Foreign ownership
- License terms
- Performance requirement & license renewal
- Other requirements



Due Diligence

- *Applicant responsibility.* Applicants should perform their individual due diligence before proceeding as they would with any new business venture. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in the Auction.



Due Diligence

- *Pending proceedings.* Applicants should also be aware that certain pending and future applications (including those for modification), petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal oppositions, and applications for review before the Commission may relate to particular applicants or incumbent licensees or the licenses available in this auction.
- In addition, pending and future judicial proceedings may relate to particular applicants or incumbent licensees, or the licenses available in the auction.
- Applicants are responsible for assessing the likelihood of the various possible outcomes, and considering their potential impact on spectrum licenses available in this auction.



References

- FCC home page
 - <http://www.fcc.gov>
- Auction No. 66 website
 - <http://wireless.fcc.gov/auctions/66>
- WTB AWS website
 - <http://wireless.fcc.gov/services/aws>



References

- FCC Electronic Comment Filing System (ECFS)
 - <http://www.fcc.gov/cgb/ecfs>
- FCC Electronic Document Management System (EDOCS)
 - http://hraunfoss.fcc.gov/edocs_public/SilverStream/Pages/edocs.html
- Universal Licensing System website
 - <http://wireless.fcc.gov/uls>



References

- NTIA 1710 MHz relocation website
 - <http://www.ntia.doc.gov/osmhome/reports/specrelo/index.htm>
- National Archives & Records Administration website for FCC rules
 - <http://www.gpoaccess.gov/cfr/index.html>



Questions?

- Legal or technical questions about AWS
 - David Hu or John Spencer, 202-418-0200
- ULS or licensing questions
 - Beth Fishel, 717-338-2649
- Legal auction questions
 - Scott Mackoul, 202-418-0660
- General auction questions
 - Lisa Stover, 717-338-2888

